

BOARD OF APPEALS CASE NO. 4842	*	BEFORE THE
APPLICANT: CRU Building Corporation	*	ZONING HEARING EXAMINER
REQUEST: Variance to permit more than	*	OF HARFORD COUNTY
one outside employee for a home occupation	*	
in a Rural Residential District;	*	
860 Schucks Road, Bel Air	*	Hearing Advertised
	*	Aegis: 9/23/98 & 9/30/98
HEARING DATE: November 4, 1998	*	Record: 9/25/98 & 10/2/98

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant is CRU Building Corporation. The Applicant is requesting a variance to Section 267-26(D)(5)((d) of the Harford County Code, to permit more than one outside employee in a home occupation.

The subject parcel is owned by Kenneth Smith and is located at 860 Schucks Road in the Third Election District. The parcel is identified as Parcel No. 222, in Grid 1-A, on Tax Map 50. The parcel contains 3 acres, more or less, all of which is zoned RR.

Mr. Kenneth Smith appeared and testified that he is the owner of the subject parcel, which is improved by a single-family dwelling. The witness said that he operates a construction management company in the basement of the dwelling. The witness said that he currently has 10 employees, but most of the employees do not work on the premises. Mr. Smith said that none of his customers come to the office and that his hours of operation are 7:00 a.m. to 5:00 p.m., daily, and sometimes it is necessary to work on Saturdays and Sundays. Mr. Smith said that he does not have a sign or other advertisement and that an area of approximately 1,200 square feet in the basement is used for the home occupation. He said the entire dwelling contains approximately 4,700 square feet and that denial of the variance will cause practical difficulty because it will be necessary for him to find a commercial location for the business. The witness indicated that he will need the variance for the home occupation for approximately 2 years, at which time he hopes to locate the business elsewhere.

Case No. 4842 - CRU Building Corporation

Mr. Smith said he did not feel approval of the variance would adversely impact the neighborhood because he has talked to his adjoining property owners, who indicate that they have no concern about the request.

Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that the application filed by the Applicant requested one additional part-time secretary and one additional part-time estimator and that no additional relief can be granted without readvertising the Applicant's request and an additional public hearing.

CONCLUSION:

The Applicant is requesting a variance to Section 267-26(D)(5)(d) which provides:

"Not more than one (1) person, or two (2) persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed three (3). No home occupations shall be open to the public between 9:00 p.m. and 8:00 a.m."

The Applicant testified that approximately 1,200 square feet of the basement is being used in operation of the construction management company. The application filed by the property owner indicates that there will be one outside employee not residing on the premises and a part-time secretary and a part-time estimator. The Code allows one outside employee; therefore, the requested variance is for the two part-time employees.

The Applicant testified that denial of the variance would cause an unnecessary hardship because he would be required to remove the business from the premises. The witness did indicate that in approximately 2 years he will move the business to other quarters as the size of the business increases. Uncontradicted testimony also indicates that the Applicant has spoken to the adjoining property owners, who did not express concern about the requested variance.

Case No. 4842 - CRU Building Corporation

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved and, further, it is the finding of the Hearing Examiner that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code. The variance shall be subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the home office.
2. The approval be limited to two (2) part-time employees.
3. The approval is for the current property owner only and shall terminate at the end of two years from the date of this decision or upon sale or transfer of the property, whichever shall first occur.

Date December 7, 1998

L. A. Hinderhofer
Zoning Hearing Examiner